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To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: opposing the proposed Microsoft settlement

I would like to express my disapproval of the proposed settlement of the Microsoft antitrust suit.

As I see it, Microsoft was found guilty of using its monopoly of the desktop to create a near monopoly of the browser. This was done in spite of the earlier consent agreement where Microsoft agreed to end "tying" other products to the desktop. Microsofts actions have shown that it is not trustworthy.

The proposed settlement essentially has Microsoft agreeing not to repeat their illegal behavior, not to use their desktop monopoly to leverage browsers. This is closing the door after the horse has escaped. Microsoft has won the browser war by their illegal activities. Microsoft is now turning its attention to the internet through the .NET venture and to entertainment through its Windows Media Player venture. In both of these Microsoft appears to be using its Monopoly on the desktop to impost a standard on the industry. History has shown that a Microsoft de facto standard soon morphs into a Microsoft only standard. The Monopoly extends.

The proposed settlement does require Microsoft to share some of their programmers interfaces, or API's. However, the "sharing" is done strictly under Microsofts terms. A better solution is for Microsoft to be required to publish, in open literature, these APIs without use restrictions and agree not to change them before giving ample notice to competitors.

The proposed settlement also ignores Microsofts other monopoly, the Office applications (Word, Excel, Powerpoint, Access). Microsoft uses the office upgrade cycle to lock out competition by changing file specifications each upgrade. This prevents competing products from being compatible with Office. Any settlement that intends to prevent future exploitation of Microsofts monopoly needs to address this. At a minimum, Microsoft should be required to do with Office what they are required to do with Windows, release the programmers interfaces. Better would be to require that Microsoft publish the API's and file specifications in the open literature so that competitors can create innovative but compatible products.

I urge the government and the court to reject the proposed settlement and rejoin negotiation with Microsoft and the states involved in the suit to propose a meaningful consequence to Microsofts illegal activities.

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